

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ROBIN LEE BENJAMIN,

Petitioner,

v.

ATTORNEY GENERAL, *et al.*,

Respondents.


Case No. 3:16-cv-00024-MMD-VPC

ORDER

In this habeas corpus action, brought *pro se* by Robin Lee Benjamin, the Court ruled on the respondents' motion to dismiss on October 3, 2016. (See Order entered October 3, 2016 (ECF No. 21).) In that order, the Court found all but one of Benjamin's claims — Grounds 1 and 3-14 — to be unexhausted in state court. The Court granted Benjamin an opportunity to make an election with respect to her unexhausted claims; Benjamin was directed to either file a notice stating that she wishes to abandon her unexhausted claims, and proceed in this action with the litigation of her exhausted claim, or file a motion for a stay, under *Rhines v. Weber*, 544 U.S. 269 (2005), requesting a stay of this action while she exhausts her unexhausted claims in state court.

On December 19, 2016, Benjamin filed a notice (ECF No. 23) stating her election to abandon her unexhausted claims and proceed with her exhausted claim. The Court will accept Benjamin's abandonment of her unexhausted claims. Those claims will be dismissed.

It is further ordered that respondents will have ninety (90) days from the date of this order to file an answer, responding to the remaining claim (the federal-law claim) in Ground 2 of petitioner's amended petition for writ of habeas corpus (ECF No. 17). Thereafter, petitioner will have sixty (60) days to file a reply.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE